

EXHIBIT 3

COMMENTS RECEIVED FROM OTHERS ON THE IPCD

EXHIBIT 3-A

**COMMENTS RECEIVED FROM
ROBERT AND JUDITH NEAL**

MARCH 16, 2002

I am deeply disturbed over what I see happening in Hamilton County as it pertains to sewer overflows. As I understand it, Hamilton County Metropolitan Sewer District (MSD) has been under court order to fix the Sanitary Sewer Overflow (SSO) problem since 1992, 10 years. And, at this time, has done little, if anything, to resolve the problem. In the meantime, MSD has laid new sewers throughout the county and has plans to lay many more. This is done, and will be done, at public expense and is, in my opinion, a major cause of "sprawl."

Sierra club is suing MSD to hold them to the federal mandate to fix the sewers. MSD, in turn, has made a proposal to fix 17 of the 101 SSO's over the next 20 years and is raising sewer rates to pay for it. **THIS SOLUTION IS UNACCEPTABLE** for numerous reasons. To name a few:

- Having lived some 20 years in fear of hard rains that caused 1-3 ft. of raw sewage in my basement makes me painfully aware of the health and sanitation problems associated with SSO's and CSO's.
- To take 20 years to only fix 17 of the 101 SSO's listed in violation is unacceptable.
- Raising rates to fix these few SSO's while using capital funds for new sewers is unacceptable.
- Laying new sewers before fixing the old is unacceptable.
- Laying new sewers at public expense exempts developers from their fair share of the costs and, thus, promotes sprawling development.

With this in mind, then, I implore you to enforce the mandate of 1992 so Hamilton County can be a healthier and more resident friendly area to live.

Sincerely:

Judith Neal
Robert L Neal

Robert and Judith Neal
3990 Kenkel Ave.
Cincinnati, Oh. 45211
(513) 661-8405
jbneal@fuse.net

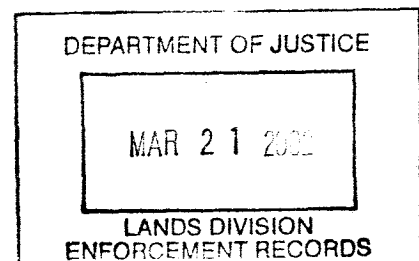


EXHIBIT 3-B

**COMMENTS RECEIVED FROM
RANDY THOMPSON**

A

Randy Thompson
221 N. Hill St.
Harrison, Ohio 45030
March 16, 2002

Assistant Attorney General
Environment and Natural Resources Division
P.O. Box 7611
U.S. Dept. of Justice
Washington, D.C. 20044-7611

Dear Assistant Attorney General,

I am writing you this letter in reference to the lawsuit that the Sierra Club has brought against the Metropolitan Sewer District and the City of Cincinnati, Ohio (Hamilton County), D.J. Ref. 90-5-1-6-341A.

There are 101 identified (& possibly more) Sanitary Sewer Overflows in the county. As I'm sure you already know, these are a public health concern and have been for 10 years. These sewers illegally overflow about 900 times a year!! Yet, and only because of the lawsuit threat, the MSD has filed an Interim Partial Consent Decree to fix 17 of the sewer overflows. It has made no projection date for the other 84!

Even worse, MSD has been funded millions of dollars from the county to build sewer systems into the undeveloped areas of western Hamilton County, Ohio. Instead of fixing the existing problems in Cincinnati and the eastern part of the county, it plans to invade the semi-rural parts of the western half! This is a major TRAVESTY that should be outlawed! The county and MSD need to fix the sanitary sewer overflows in Cincinnati (all of them!).

They also need to stop ignoring the public outcry against the SSOs and development in rural areas. The public wants the sewer problems fixed first before any new sewer construction is even considered. The county ignores this situation for so many people are leaving the populated areas of the county and heading for the suburbs and rural areas. They want to keep people in the county. So therefore they want to develop the rural areas and ignore the areas that nobody wants to be a part of!

The people of Hamilton County want to see justice done. We want the sewers repaired. Please assist us in this matter and order the repairs done. Thank you so much for all your help in this matter. We will be indebted forever. God bless you!

Sincerely yours,
Randy Thompson
Randy Thompson

EXHIBIT 3-C

**COMMENTS RECEIVED FROM
DEBORAH WOLTERMAN**

Assistant Attorney General
Environment and Natural Resources Division
P.O. Box 7611 U.S. Department of Justice
Washington, D.C. 20044-7611

March 18, 2002

Re: U.S. and State of Ohio v. Board of County Commissioners of Hamilton County and
the City of Cincinnati; **D.J. Ref. 90-5-1-6-641A**

Dear Sir/Madam:

I am writing to express my opinion regarding the Interim Partial Consent Decree
(referred to as "Interim Decree") on Sanitary Sewer Overflows submitted by Metropolitan
Sewer District filed on February 15th, 2002.

The Interim Decree does not represent diligent process of law. Above all else, it does not
represent a solution to an existing **long-term** issue of sanitary sewer overflows (SSOs).
There are over 100 SSOs in our area; yet, this Interim Decree addresses only 17 SSOs.
How can this be construed as a "solution"?

Please note that Metropolitan Sewer District has no problem locating funding (\$50M) to
extend sewers into areas of Hamilton County that do not need them or want them. Why
not reallocate these funds to provide a reasonable solution for the SSOs? Please consider
imposing a moratorium on future expansion of sewer systems until existing SSO
problems are resolved.

I trust that you will adopt a balanced and rationale approach to this situation. Consider the
health of our citizens and the environment when making your decision.

Thank you for your consideration.

Deborah J. Wolterman

Deborah Wolterman
4181 Locustridge Ct.
Cleves, Ohio, 45002
(513) 585-6688 (W)
(513) 941-0205 (H)

EXHIBIT 3-D

**COMMENTS RECEIVED FROM
ALAN WEINER**



Alan Weiner
7102 Gracely Dr. # 1
Cincinnati, OH 45233

Assistant Attorney General
Environment and Natural Resource Division
P.O. Box 7611
U.S. Dept. of Justice
Washington D.C. 20044-7611

3/26/02

Ref: United States /State of Ohio/ Board of County Commissioners
DJ Reference 90-5-1-6-341A

I am very concerned with the Consent Decree granted the Metropolitan Sewer District (MSD) in Hamilton County, Ohio, where there are over 100 SSO structures (Sanitary Sewer Overflows). There was no possibility for citizen input prior to this decision. These events (SSO's) have been illegal since 1992, and the MSD ought to propose a plan to ELIMINATE these structures within a very short time. Their current requirement to fix 17 of them within 20 years is insufficient to protect the area I live in, surface waters, wildlife and quality of life for over one million citizens. County Parks and Greenway projects along Mill Creek and West Fork Mill Creek will also suffer and these improvements could be ruined as a result.

I have a conception that the MSD is spending SSO repair dollars on sewer extension projects on the West side of the city, compounding the high waste volume problem and profiting private developers who would leave very little greenspace in Western Hamilton County. Outdated infrastructure close to the urban core including storm water infiltration in sanitary pipes and inadequate retention basins should be addressed prior to unmitigated expansion in rural areas.

Thank you for requiring our Water works to uphold the law and protect our environment.

Sincerely,

ALAN WEINER – Resident of Cincinnati, Ohio

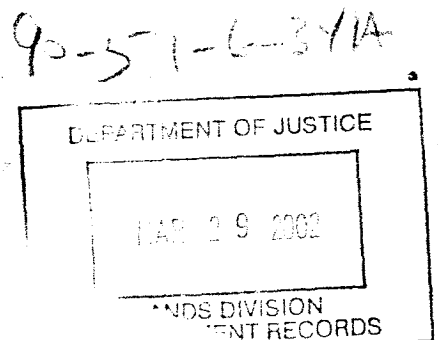
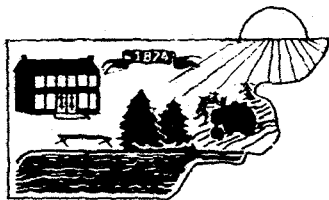


EXHIBIT 3-E

**COMMENTS RECEIVED FROM
GARY W. STORER,
CROSBY TOWNSHIP TRUSTEE**



Crosby Township

8910 Willey Road • Harrison, Ohio 45030 • Hamilton County
Phone: (513) 738-1440 • Fax: (513) 738-4310

TRUSTEES

WARREN E. STRUNK
President

JANE HARPER
Vice President

GARY STORER
Trustee

ADMINISTRATOR
JANE PIRMAN

CLERK
MELODY INMAN

ASSISTANT ATTORNEY GENERAL
ENVIRONMENT & NATURAL RESOURCES DIV.
PO BOX 7611 US DEPT. OF JUSTICE
WASHINGTON DC 20044-7611

DEAR ATTORNEY GENERAL:

This letter concerns the INTERIM PARTIAL DECREE ON SANITARY SEWER
OVERFLOWS. Please refer to: U.S. AND STATE OF OHIO vs BOARD OF COUNTY
COMMISSIONERS OF HAMILTON COUNTY AND THE CITY OF CINCINNATI D.J.
REF. 90-5-1-6-341A.

I am writing to voice objection to the deal MSD and Hamilton County made with the US
DEPT. OF JUSTICE. This agreement doesn't solve the problem. It is only a partial fix. Only 17
of the 101 sanitary sewer overflows will be fixed in the next 20 years. No elimination date
has been set for the other 84. With this agreement, MSD will still be in violation of federal
and state law every time it rains significantly.

We want to STOP ALL NEW SEWER CONSTRUCTION until all the illegal sso's are
repaired. It's the right thing to do. Thank you.

Gary W. Storer
Crosby Township Trustee

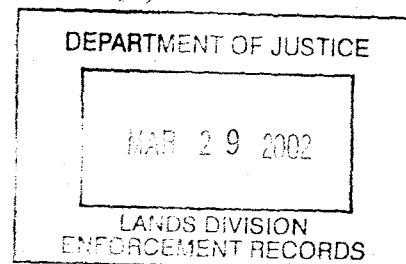


EXHIBIT 3-F

**COMMENTS RECEIVED FROM
JUDY RAINEY**

March 26, 2002

Assistant Attorney General
Environment & Natural Resources Div.

P.O. Box 7611

U.S. Dept. of Justice

Washington, DC 20044-7611

D.S.

Ref: 90-5-1-6-341A.

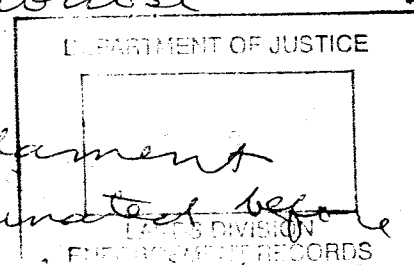
U.S. and State of Ohio v Board of County
Commissioners of Hamilton County + the
City of Cincinnati

Dear Sir:

The agreement made between the MSD
and the U.S. Dept. of Justice is illegal and
unfair. It is illegal because SSO's are
illegal according to federal law. MSD
will therefore be in violation of the law
every time it rains - which it has done
today - non-stop.

We citizens want the MSD to formu-
late all of the SSO's and not only 17
of the 101 over the next 20 years. This
policy is unfair to the citizens whose
health is threatened and whose
waterways are polluted.

Furthermore we are adamant
about having the SSO's eliminated before
sewer extensions are funded in undeveloped



areas, particularly on the West side, to see.
developers are breaking their hands on this open,
who can get their hands on this open,
lovely farmland - a land and a lifestyle
that should be preserved. Please stop
all new sewer construction until
the illegal SSO's are repaired.

Sincerely,
Gray Rainey

7102 Grandy Dr.
Cinti. OH 45233

EXHIBIT 3-G

**COMMENTS RECEIVED FROM
ROLAND AND CLARE JOHNSON**

Assistant Attorney General
Environment & Natural Resources Division
PO Box 7611
U. S. Department of Justice
Washington DC 20044-7611

March 25, 2001

RE: U. S. and State of Ohio V. Board of County
Commissioners of Hamilton County and the
City of Cincinnati D.J. Ref. 90-5-1-6-341A

Dear Assistant Attorney General:

It is with much concern that we write to you regarding the "Interim Partial Consent Decree on Sanitary Sewer Overflows" for Hamilton County.

This agreement is an affront to the citizens of Hamilton County. Our county/city/MSD officials have it in their power to protect our health and welfare, yet, under the terms of this agreement, they have chosen not to.

We naively expected that our officials would have made an effort to ask us what we thought of their deal with you. We found out after the fact that there was a two-day period and a morning meeting to attend. And, there was no public notice of the opportunity. We believe this was done on purpose to shut us out of the process.

Were they afraid of what we would say about the deal? Now our only option is to write to you, after the fact. Why would you accept such an arrangement? Is there something we're missing, something we don't "get" about this agreement? Will you please reply to this question?

We all know that we must clean up any messes we make, and we expect the same of our elected and appointed officials. Do I have this correct? Surely this must be some kind of a bad joke. There is a law about this sort of thing called the Clean Water Act. They are in clear violation of this law, and have been for many years. Yet, they propose to repair only 17 "highly active" sanitary sewer overflows. And, for the 84 others that are only "active," and still in violation of the law, there is no plan, and no promise to fix them?

What kind of public policy is this anyway? This is not what citizens of Hamilton County want. This MSD operation is well funded. It's not like they don't have the money. They continue to build multi-million dollar sewer extensions into undeveloped areas of the county at a fast clip. I know because they plan extensions sewers—two of them that will criss-cross our property, which has perfectly maintained and functioning, county-approved waste treatment system that doesn't need replacing. We are responsible citizens, and would never think of letting our system get out of repair.

We urge your office to require the county/city/MSD to fix ALL of the illegal overflows. And, they should be ordered to STOP all new sewer construction until they have fixed the problems that are threatening our health and polluting our environment.

Sincerely yours,

Roland and Clare W. Johnson
Roland and Clare W. Johnson
5200 Race Road, Cincinnati, OH 45247

DEPARTMENT OF JUSTICE
MAR 29 2001
LANDS DIVISION
ENFORCEMENT RECORDS

EXHIBIT 3-H

**COMMENTS RECEIVED FROM
"A RETIRED CONCERNED CITIZEN"**

Cinte. Ohio
Green Township

Dear Sir

I like many in this Green Township, wonder why our Trustees + County Commissioners do not listen to us or our wishes; - They say Money talks?

The people who worked hard to pay for their homes are wondering how long they have before losing them or having to move, being they can't ^{afford} the cost of sewers that M.S.D. + developers have forced on them.

We need help and some one for us, + not money people who some have relatives in the
(over)

Hamilton
County Commissioners, so
I have heard.

Thank You

A Retired Concerned
Citizen

P.S. If you are ever in
town please visit and
see what we mean by
a Green town ship to a
future Strip Mine

CCWHC MEETING

March 16, 2002

Miamitown Fire Station

WEBSITE: www.greenlink.org/concernedcitizens

HOTLINE: 661-8405

■ Welcome. Please sign in. E-mail updates wanted. We're building our Newsletter mailing list. ✓

■ LETTERS TO THE EDITOR Please write them — your views reach many people. Letter sfrom Green Township residents Karen Davis and Missy Redrow to Western Hills Press are good examples

■ INTRODUCTIONS

■ REFERENCE MATERIALS AVAILABLE today — "Conservation Subdivision" info ■ MSD's Capital Improvement Plan for 2002 ■ Western Hamilton Collaborative Plan ■ Wesselman Road Sewer Map ■ Earthworks Regulations ■ NEW! **Special Public Interest (SPI) overlay districts** in Hamilton County's ZONING regulations. Can they be used to protect our landmark hills?

■ Metro adds a West Side transportation study Light rail on the West Side proposed? ✓

■ The "Development Process FORUM" from the WHCCP on Sat. morning, April 6 at Green Twp. Senior Center. How does this benefit citizens? *Who wants to find out and report back?* ✓

■ RPC WEBSITE home page reveals county priorities: 1. Regional Planning Commission & Rural Zoning Commission 2. Community COMPASS 3. The Strategic Plan 4. The WHCCP

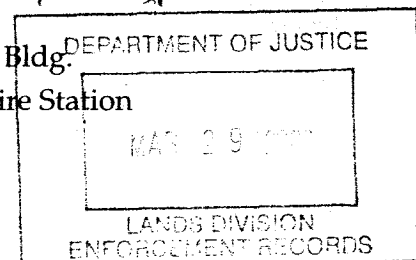
Have we been had? Ron Miller said in August last year that the WHCCP plan "will be dovetailed" into the new Comprehensive Plan being created. In a Harrison Press article he said it would be "integrated" into the new plan. *Does anyone want to comment on this?*

■ LAWSUIT against MSD, the county and city. We can comment (until March 28) about the county's inadequate proposal to fix a fraction of the illegal SSOs in the next 20 years. We should not let them get away with this. See other side ✓

■ Balancing Development & the Environment This COMPASS Community Action Team will meet for the first time at 4:30 PM on Tues., March 19 and again on Tues., April 9. Developers will be there too! HANDOUTS

■ What's going on: —WHITEWATER —SAYLER PARK —MIAMI TWP.
—HARRISON TWP. —CITY OF HARRISON —GREEN TWP. March 13 BZA meeting
—DELHI TWP. —CROSBY TWP. —COLERAIN TWP.
—ADDYSTON, NORTH BEND, CLEVES

■ BZA hearing on Wed., April 10, 2001 at 1, Room 805 County Adm. Bldg.
■ Next CCWHC meeting: Sat., April 20, 2001 at 9 a.m. Miamitown Fire Station



**CITIZEN COMMENTS on MSD's "Interim Partial Consent Decree on Sanitary Sewer Overflows"
NEED TO ARRIVE by Thurs., March 28, 2002**

Send to:

ASSISTANT ATTORNEY GENERAL
ENVIRONMENT AND NATURAL RESOURCES DIV
PO BOX 7611 U.S. DEPT. OF JUSTICE
WASHINGTON DC 20044-7611

Refer to:

U.S. and State of Ohio v. Board of County Commissioners
of Hamilton County and the City of Cincinnati
D.J. Ref. 90-5-1-6-341A

THE ISSUE

MSD has been under FEDERAL COURT ORDER since 1992 to eliminate Sanitary Sewer Overflows (SSOs) in its system and has knowingly been in clear violation of federal and state laws since then. (This suit does not even address the hundreds of Combined Sewer Overflows--CSOs.)

Sewers in Hamilton County illegally overflow at the rate of about 900 times per year, just from the 101 numbered SSOs. If other overflows and sewage backups are included, the rate is higher, and 8 to 12 times greater than benchmark communities in other states.

December 18, 2001

At the 10th anniversary of the county's being in violation of federal law by ignoring the SSOs, the Sierra Club filed a "notice of intent to sue," as required by law, in December 2001.

MSD and the county quickly prepared the INTERIM PARTIAL CONSENT DECREE. The Decree proposes to fix only 17 of the worst, or "highly active" SSOs in THE NEXT 20 YEARS!

February 15, 2002

In order to "beat" the Sierra Club to the federal courthouse, the county/MSD rejected the Sierra Club's formal request for a negotiated settlement and filed the Interim Partial Consent Decree. This decree proposes to fix 17 "highly active" SSOs, and sets NO ELIMINATION DATE for 85 of the 101 numbered SSOs.

February 27, 2002

The Sierra Club officially files the lawsuit under the Clean Water Act over the discharge of raw, untreated sewage containing high levels of fecal coliform bacteria and toxic industrial wastes into basements, back yards, streams and rivers in Hamilton County.

It asks for a detailed plan and schedule to COMPLETELY ELIMINATE the overflow discharges of raw sewage; to post public health warning signs at all SSO locations; to fund an independent public health oversight panel; and to deter the County from further violations by imposing appropriate penalties.

There has been no word yet on the official disposition of the Sierra Club's lawsuit.

THE PUBLIC IS INVITED TO COMMENT UNTIL MARCH 28

on the DECREE that was filed by the county/MSD on February 15.

SOME POINTS TO CONSIDER:

■ THE PUBLIC was shut out of the SECRET PROCESS and was given less than 2 days notice to comment at a daytime meeting.

■ One Hamilton County Commissioner, Todd Portune, objected to the secret process and voted against the decree. He said that there was no cost/benefit analysis, no way to tell if the Decree is in the best financial, developmental and environmental health of the county.

He objected to the county approving a Consent Decree in the first place. It had been the subject of years of secret negotiations with no public involvement.

■ **This is an important argument:** CONSENT DECREES do not represent "diligent process of the law."

■ The Decree DOESN'T SOLVE THE PROBLEM. It is only "partial." Only 17 SSOs will be fixed, what about the other 84? We want the court to hold out for a FULL AGREEMENT.

■ MSD will still be in VIOLATION OF FEDERAL and state law.

■ The county is funding MILLIONS OF DOLLARS PER YEAR to build SEWER EXTENSIONS into undeveloped areas of the county, mostly in the western section. We want a STOP TO ALL NEW SEWER CONSTRUCTION until ALL the illegal SSOs are repaired.

■ Citizens want a "FIX IT FIRST" policy.

■ SSOs are ILLEGAL, according to federal law, and have been since 1992. They threaten the health of the citizens, adversely impact property values and pollute streams and rivers.

■ The county is practicing POOR PUBLIC POLICY by ignoring the SSO problem at the expense of the health of the citizens and the environment.

■ Much depends on the Decree's speculative "TUNNEL" project under the Mill Creek.

CONCERNED CITIZENS OF WESTERN HAMILTON COUNTY

Addyston Cleves Colerain Twp. Crosby Twp. Delhi Twp. Green Twp.
Harrison Twp. Harrison Miami Twp. North Bend Whitewater Twp.

March 20, 2002

■ This is an important argument: This particular Consent Decree does not represent diligent prosecution of the law.

"Consent Decrees" can be good, or bad. They are an agreement. MSD and the county made this particular agreement with the U. S. Dept. of Justice. Their agreement is NOT satisfactory for all the reasons we talked about. It does not protect our communities from raw sewage in basements, back yards and waterways.

I have updated a few facts from the original flyer:

- This agreement DOESN'T SOLVE THE PROBLEM. It is only "partial." Only 17 of the 101 SSOs will be fixed in the next 20 years. No elimination date has been set for the other 84.
- The court should order MSD to FORMULATE A PLAN TO FIX ALL SSOs.
- This agreement sets POOR PUBLIC POLICY because it was negotiated without citizen input. In fact, the public was allowed less than 2 days to read and comment on the agreement before a public meeting was scheduled at 10 AM on a weekday.
- With this agreement, MSD will still be in VIOLATION of federal and state law every time it rains heavily.
- SSOs are ILLEGAL, according to federal law, and have been since 1972. SSOs threaten the health of the citizens, adversely impact property values, and pollute streams and rivers.
- The EPA says that SSOs are a health hazard. Citizens want a "FIX IT FIRST" policy.
- The county is funding MILLIONS OF DOLLARS each year to build SEWER EXTENSIONS into undeveloped areas of the county, mostly on the West Side where they are promoting development.
- We want a STOP TO ALL NEW SEWER CONSTRUCTION until ALL the illegal SSOs are repaired.

*Why do people lose their Homes + property
or have to sell because the trustees +
County Commissioners side w/developers for sewer
not needed*